

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-002 DT

01/28/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

KIRSTEN VALENZUELA

v.

ELDRIDGE AUZZELE GITTENS (002)

SUSAN L COREY
PETER JONES

CAPITAL CASE MANAGER
VICTIM SERVICES DIV-CA-CCC

INITIAL PRETRIAL CONFERENCE

8:52 a.m.

Courtroom ECB 413

State's Attorney:	Kirsten Valenzuela
Defendant's Attorney:	Susan Corey
Defendant:	Present

Court Reporter, Lisa Edgar, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT that the Defendant Objects to Court-Ordered IQ Testing and Competency Screening.

IT IS ORDERED sustaining Defendant's objection to the IQ testing.

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LET THE RECORD REFLECT that the Defendant has waived his right to a pretrial determination of mental retardation status. As set forth in A.R.S. §13-753, such waiver does not preclude Defendant from offering evidence of mental retardation in the penalty phase.

IT IS ORDERED sustaining Defendant's objection to the competency screening.

The Court has received Defendant's Motion to Extend Time for Filing Challenge to Grand Jury Proceedings.

IT IS ORDERED granting the motion and extending time until March 16, 2011.

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The Court finds that the State did comply with Rule 15.1(a) as previously ordered by the Court.

The State has complied with all discovery under Rule 15.1(b).

The Defense has complied with all discovery under Rule 15.2(b).

IT IS FURTHER ORDERED that the State and the Defendant shall comply with Rule 15.1(e) and Rule 15.2(e) within 25 days of the IPTC.

Any request to extend the deadline set this date must be done pursuant to Rule 15.6(d). Failure to request an extension may result in the preclusion of the evidence.

IT IS ORDERED directing counsel to set up and participate in a settlement conference prior to the plea cut off date. The settlement conference shall be scheduled prior to the Comprehensive Pretrial Conference.

IT IS FURTHER ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case shall participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

IT IS FURTHER ORDERED that counsel for Defendant shall conduct a conflicts check for all witnesses listed by the State, and if necessary counsel for Defendant shall file a Motion to Withdraw.

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IT IS ORDERED setting a Status Conference on March 16, 2011 at 8:30 a.m. in this division.

Last Day: April 30, 2011 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE COMPREHENSIVE PRETRIAL CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE CPC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

Defendants seeking reconsideration rulings of the Court on a Motion to Modify Release conditions or a Motion for Rule 11, said motion shall be done by a Motion for Reconsideration. All Motions for Reconsideration, however denominated, shall be submitted without oral argument or without response or reply. No Motion for Reconsideration shall be granted without the Court granting an opportunity for a Response.

IT IS FURTHER ORDERED affirming prior custody orders.

9:02 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

NOTICE: IF AN INTERPRETER IS NEEDED FOR A VICTIM OR A WITNESS FOR ANY HEARING, IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH THE HEARING IS SCHEDULED 48 HOURS IN ADVANCE OF THE HEARING. (TEN BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH).